IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of: PAGAN, William G. et al.

Confirmation No.: 9632

Serial No: 10/602,425

Filed: June 24, 2003

For: METHOD AND SYSTEM FOR PROVIDING INTEGRATED HOT KEY
      CONFIGURATION

APPEAL BRIEF

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TOPICAL INDEX

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In Re Application of:	Date: August 28, 2008
William G. Pagan, et al.	Confirmation No: 9632
Serial No: 10/602,425	Group Art Unit: 2175
Filed: June 24, 2003	Examiner: Nunez, Jordany

For: METHOD AND SYSTEM FOR PROVIDING
         INTEGRATED HOT KEY CONFIGURATION

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Alexandria, VA 22313-1450

<u>**APPEAL BRIEF**</u>

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. § 1.192(c) as follows:

I.   REAL PARTY IN INTEREST

Appellant respectfully submits that the above-captioned application is assigned, in its entirety to International Business Machines Corporation, of Armonk, New York.

II.   RELATED APPEALS AND INTERFERENCES

Appellant states that, upon information and belief, he is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS

Application No. 10/602,425 (the instant application), as originally filed, included claims 1-33. Claims 1-4, 6, 10, 12-16, 21, 23-27, 32, 35-37, 39, 41, 43, and 45-52 are currently pending after subsequent amendments, cancellations, and additions. Claims 1-4, 6, 10, 12-16, 21, 23-27, 32, 35-37, 39, 41, 43, and 45-52 are on appeal and all applied rejections concerning these claims are herein being appealed herein.

IV.   STATUS OF AMENDMENTS

After the Examiner's first Office Action mailed January 29, 2007, Appellant filed a response on April 16, 2007, in which claims were amended. The Examiner responded with a Final Office Action mailed on June 20, 2007, in which new grounds of rejection were presented. Applicant filed an RCE on August 13, 2007 in which claims were amended, to which the Examiner responded with an Office Action on November 5, 2007. Applicant filed a response on February 7, 2008 in which claims were amended, to which the examiner responded with a Final Office Action on May 15, 2008. In response to the Final Office Action, Appellant has filed this Appeal Brief.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method and apparatus for providing a hot key corresponding to a particular function in a computer system. Independent claim 1 recites a method for providing a hot key corresponding to a particular function in a computer system, the computer system having a graphical user interface (GUI) and including a pointing device enabling a user to select items displayed in the GUI (e.g., page 1, lines 6-11, page 5, lines 13-17 of

specification), the particular function provided for a context of an application program, the user providing input within the context (e.g., page 5, lines 17-23). A hot key configuring function is integrated into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context (e.g., page 6, lines 1-8 and 13-23), wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device (e.g., page 5, lines 19-23, page 7, lines 10-11, and page 8, lines 1-7). The hot key is mapped to the particular function and the mapping is stored, the mapping and storing performed without the user leaving the context and in response to the user utilizing the hot key configuring function in the context, where the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected (e.g., page 1, lines 12-14; page 6, lines 13-23; page 8, lines 14-15). The mapping includes receiving an indication of the particular function to which the hot key is to be mapped, the indication provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, where the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping (e.g., page 8, lines 1-13; page 9, lines 14-16). A key combination is received as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received (e.g., page 8, lines 14-17; page 9, line 14 to page 10, line 6).

Independent claim 12 recites a computer-readable storage medium storing program instructions for providing a hot key corresponding to a particular function in a computer system, the computer system having a graphical user interface (GUI) and including a pointing device

enabling a user to select items displayed in the GUI (e.g., page 1, lines 6-11, page 5, lines 13-17 of specification), the particular function provided for a context of an application program, the user providing input within the context (e.g., page 5, lines 17-23). The program instructions are for integrating a hot key configuring function into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context (e.g., page 6, lines 1-8 and 13-23), where the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device (e.g., page 5, lines 19-23, page 7, lines 10-11, and page 8, lines 1-7). The hot key is mapped to the particular function and the mapping is stored, the mapping and storing performed without the user leaving the context and in response to the user utilizing the hot key configuring function in the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected (e.g., page 1, lines 12-14; page 6, lines 13-23; page 8, lines 14-15). The mapping includes receiving an indication of the particular function to which the hot key is to be mapped, the indication provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, wherein the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping (e.g., page 8, lines 1-13; page 9, lines 14-16). A key combination is received as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received (e.g., page 8, lines 14-17; page 9, line 14 to page 10, line 6).

Independent claim 23 recites a computer system including a hardware mechanism that provides an application, the application providing a context and having a particular function

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available therein, the particular function provided for a context of an application program, a user providing input within the context (e.g., page 5, lines 17-23). The computer system includes a graphical user interface (GUI) and a pointing device enabling a user to select items displayed in the GUI, wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device (e.g., page 1, lines 6-11, page 5, lines 13-17). A hot key configuring function is integrated into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context, the integrated hot key configuring function utilized by the user to designate a mapping of the hot key to the particular function and store the mapping without the user leaving the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected (e.g., page 1, lines 12-14; page 6, lines 13-23; page 8, lines 14-15). The mapping is created by receiving an indication of the particular function to which the hot key is to be mapped and receiving a key combination as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received (e.g., page 8, lines 14-17; page 9, line 14 to page 10, line 6). The indication is provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping (e.g., page 8, lines 1-13; page 9, lines 14-16). The same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping (e.g., page 8, lines 1-13; page 9, lines 14-16).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-4, 6, 12-16, 23-27, 34, 35, 37-39, 41-43, 45-49 stand rejected under 35 U.S.C. §

102(e) as being anticipated by Slaunwhite et al., U.S. Patent Pub. No. 2003/0090471 (hereinafter

"Slaunwhite").

Claims 36, 40, and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Slaunwhite (Applicant assumes herein that claims 47, 48 and 49 were intended for this rejection,

as explained below).

Claims 10, 21, 32, 36, 40, and 44 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Slaunwhite in view of Forest, U.S. Patent No. 5,999,895.

VII. ARGUMENTS

A. Rejection of claims 1-4, 6, 12-16, 23-27, 35, 37-39, 41-43, 45-52 under 35 U.S.C. 102(e) as being anticipated by Slaunwhite

1. The Slaunwhite Reference Does Not Teach Claims 1-4, 12-15, 23-26, 35, 39, 43, 49

Unpatentability by anticipation under 35 U.S.C. 102(e) requires that each and every

element of the claimed invention be disclosed in the prior art reference. Independent claim 1

recites a method for providing a hot key corresponding to a particular function in a computer

system. In particular, claim 1 recites, in pertinent part:

> 1. A method for providing a hot key corresponding to a particular function in a
> computer system, the computer system having a graphical user interface (GUI) and
> including a pointing device enabling a user to select items displayed in the GUI, the
> particular function provided for a context of an application program, the user providing
> input within the context, the method comprising the steps of:
>   integrating a hot key configuring function into the GUI such that a user can access

the hot key configuring function from within the context and without leaving the context, wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device; and

mapping the hot key to the particular function and storing the mapping, the mapping and storing performed without the user leaving the context and in response to the user utilizing the hot key configuring function in the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected, and wherein the mapping includes:

receiving an indication of the particular function to which the hot key is to be mapped, the indication provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, wherein the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping; and

receiving a key combination as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received.

Claim 1 is patentable over Slaunwhite since the features of claim 1 are not disclosed or suggested by that reference. In particular, Slaunwhite fails to disclose or suggest the recited feature of a particular function being performed when a corresponding displayed item is selected by the pointing device, and the particular function of the displayed item is indicated for mapping when the pointing device is moved over that displayed item.

Slaunwhite discloses a shortcut key manager which assigns a hot key to a non-command user interface item type. When assigning a hot key to a function of the computer system, Slaunwhite only discloses that an assignment handler links the shortcut key with the item type, and "typically it is done in a customization dialog where the user selects the item type from a list of available item types and then keys in the shortcut key that is associated with it" (paragraph [0037]).

Slaunwhite does not disclose or suggest Appellant's method of assigning a hot key to a function. Specifically, Slaunwhite does not disclose or suggest that particular function being

performed when a corresponding displayed item is selected by the pointing device, and the particular function of the displayed item is indicated for mapping when the pointing device is moved over that displayed item. Slaunwhite discloses that, when assigning a hot key to a function of the computer system, an item receiver 102 receives the item type from the user input unit 10 and receives an identification of a shortcut key from the user input unit 10 (paragraph [0036]). The user input unit 10 typically includes a keyboard and a mouse (paragraph [0027]). Slaunwhite teaches only one way for the item receiver 102 to receive the item type from the user input unit 10, in paragraph [0037]: a customization dialog where the user selects the item type from a list of available item types and then keys in the shortcut key that is associated with it. Thus Slaunwhite teaches the standard way of mapping hot keys, where a separate list or menu of functions is displayed (i.e., the customization dialog) and the user selects a function in the list to which to assign a hot key.

Slaunwhite is silent to Applicant's claimed feature described above. For example, the items displayed in Slaunwhite's mapping customization dialog are nowhere taught to be selectable to perform a corresponding function; they are provided as a list of items, each item describing a function which can be assigned to a keyed-in shortcut key if the item is selected. The displayed windows and boxes of Slaunwhite such as the zoom drop down listbox 200 perform functions, but these same displayed items do not provide a dual ability allowing a user to both perform the corresponding function by selecting that item as well as indicate functions for mapping to a received hot key using a pointing device over the item, as claimed by Applicant.

Slaunwhite's only example of indicating a particular function for mapping by using a pointing device is in paragraph [0037], which discloses selecting an item type in the list displayed in the customization dialog. The items in this list are nowhere disclosed to be also selectable to perform a function. The standard method to allow hot key mapping is to select a function from a list of functions and input a hot key to assign to that selected function, as

indicated in Applicant's specification page 2, and this is what Slaunwhite teaches. The function types listed in such a list do not <u>perform</u> their function when selected—these items are presented for the sole purpose of assigning their function to a hot key, and not as a way to perform the function they represent. Nowhere does Slaunwhite disclose or suggest a displayed item that can be both selected with a pointing device to perform a corresponding function, and that same displayed item also indicated with the pointing device to indicate the corresponding function for mapping to a received hot key.

For example, in the Final Office Action, Page 3, the Examiner stated that Slaunwhite discloses the same displayed item as selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping, at paragraph [0036] and Fig. 3, element 150. However, paragraph [0036] and Fig. 3 element 150 only disclose that the item receiver 102 generally receives the item type from the user input unit 10. This "receiving" of an item type is only described in any detail in Slaunwhite as the selection of an item type from the customization dialog of paragraph [0037]. Nowhere does Slaunwhite disclose that the user is selecting a displayed <u>function-performing</u> item, such as a button on a tool bar, or a slider control, to provide that item type to the item receiver 102 for mapping to a hot key.

As another example, the Examiner also stated that Figs. 4 and 5 show a zoom GUI item that appears in a top toolbar and as element 202, and that one of ordinary skill would readily understand that the zoom GUI item in the top toolbar would be both selectable to perform the zooming function and indicatable by a pointing device to indicate the zooming function for mapping. However, nowhere is this zoom GUI item described as allowing a user to both select the item to perform a function and indicate the item to associate its function for mapping to a received shortcut key when a pointing device is moved over it, as claimed by Applicant. One of ordinary skill would not understand that the item can perform both these features, since the standard way to map hotkeys is

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as disclosed by Slaunwhite: using a separate dialog with a list of functions. Slaunwhite provides no suggestion other than to use this standard dialog method; his descriptions about receiving an item identification are so broad as to suggest nothing beyond his disclosed dialog, and all of his displayed GUI items (except his mapping customization dialog) do not relate to performing mapping of hotkeys to functions). One of ordinary skill reading Slaunwhite would not have been led to the recited combination and would not have learned anything but a general, standard method of assigning the hot key to a function, and would have instead focussed on the *types* of items being assigned to hot keys, such as the non-command type of user interface items that are the focus of Slaunwhite's disclosure (paragraph [0010]).

Applicant's invention provides an advantage of mapping a hot key to a particular function by interacting a pointing device with the same displayed item that can be selected to perform that function. The user thus does not have to leave the context in which he is providing input, allowing an easy-to-use interface for a user. The invention allows a user, for example, to directly point to the function that he or she wishes to map to a hot key, without having to navigate a list of functions as described by Slaunwhite.

Applicant therefore believes that claim 1 is patentable over Slaunwhite.

The arguments made above apply with full force and effect to dependent claims 2-4, 35, and 49 because dependent claims incorporate the limitations of the independent claims. In addition, for example, claims 2 and 4 are further patentable over Slaunwhite since Slaunwhite does not disclose accounting for ambiguities in the receiving of the key combination such that the mapping of the particular function to the hot key is not confused with accessing a function previously mapped to the hot key; and claim 35 is further patentable since Slaunwhite does not disclose receiving the indication of the particular function without the user providing input to a menu separate from the context.

Claim 12 recites a computer readable medium including program instructions that perform similar features as claim 1 and is patentable over Slaunwhite for reasons similar to those explained above for claim 1. The arguments made for claim 12 applies with full force and effect to dependent claims 13-15 and 39 because dependent claims incorporate the limitations of the independent claims, and thus claims 12-15 and 39 are patentable over Slaunwhite. In addition, for example, claims 13, 15, and 39 are further patentable over Slaunwhite as similarly argued above for claims 2, 4, and 35.

Claim 23 recites a system for providing filtering criteria in the display of file objects in a graphical user interface (GUI) that includes similar features as claims 1 and 12 and is patentable over Slaunwhite for reasons similar to those explained above for claims 1 and 12. The arguments made above apply with full force and effect to dependent claims 24-26 and 43 because dependent claims incorporate the limitations of the independent claims. In addition, for example, claims 24, 26, and 43 are further patentable over Slaunwhite as similarly argued above for claim s 2, 4, and 35.

Consequently, Slaunwhite cannot teach or suggest the subject matter recited in claims 1-4, 12-15, 23-26, 35, 39, 43, and 49. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of these Claims.

2. The Slaunwhite Reference Does Not Teach or Suggest Claims 6, 16, and 27

Claim 6 is dependent on claim 1 and recites:

6. The method of claim 1 wherein the indication of the particular function using the pointing device over the displayed item does not cause the particular function to be performed.

Claim 6 is separately patentable over Slaunwhite. Claim 6 recites that the indication of the particular function using the pointing device over the displayed item does not cause the particular function to be performed. This shows that the indication of an item for <u>mapping</u> its function to a received hot key is not the same as selecting an item for <u>performing</u> its function. For example, a hovering action as disclosed in Applicant's specification (page 8, lines 7-12) can be used for indicating a function for mapping to a hot key, not performing the function. Slaunwhite does not disclose or suggest a displayed item that can be both selected with a pointing device to perform a corresponding function, and also indicated with the pointing device to indicate the corresponding function for hot key mapping, where the indication of the particular function does not cause the function to be performed. For example, Slaunwhite's zoom GUI item described above does not allow a user to indicate its function for shortcut key mapping when a pointing device is moved over it, where such an indication does <u>not</u> cause the function of the zoom GUI window to be performed, as claimed by Applicant.

Applicant therefore believes that claim 6 is additionally patentable over Slaunwhite.

Claim 16 is dependent on claim 12 and recites a computer-readable medium including similar subject matter to claim 6 and is patentable over Slaunwhite for reasons similar to those argued above for claim 6.

Claim 27 is dependent on claim 23 and recites a computer system including similar features to claim 6 and is patentable over Slaunwhite for reasons similar to those argued above for claim 6.

Consequently, Slaunwhite cannot teach or suggest the subject matter recited in claims 6, 16, and 27. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of these Claims.

3. The Slaunwhite Reference Does Not Teach or Suggest Claims 37, 41, and 45

Claim 37 is dependent on claim 1 and recites:

37. The method of claim 1 wherein the displayed item is a text-based item including displayed text, and wherein the indication of the particular function includes selecting a portion of the text of the corresponding item, the portion of the text being less than the entire displayed text of the displayed item.

Claim 37 is separately patentable over Slaunwhite. Claim 37 recites that the displayed item is a text-based item including text, and the indication of the particular function includes selecting a portion of the text of the corresponding item, the portion of the text being less than the entire displayed text of the displayed item. These features are not disclosed or suggested by Slaunwhite. Slaunwhite does not disclose or suggest selecting a portion of text of a displayed item to indicate a function for mapping, where that displayed item is also selectable to peform a function. For example, the Examiner stated in the Final Office Action of 5/15/08 that Slaunwhite discloses this feature as setting focus to the zoom level selecting a portion of the text of the item indicating the zoom level (paragraphs [0040], [0005]). However, the displayed item indicating the zoom level is not disclosed or suggested as being used to indicate a function for hot key mapping. Slaunwhite mentions or suggests nothing about mapping a function indicated by selecting a portion of text (less than the entire text) of a displayed item with a pointing device, to a hot key.

Applicant therefore believes that claim 37 is additionally patentable over Slaunwhite.

Claim 41 is dependent on claim 12 and recites a computer-readable medium including similar subject matter to claim 37 and is patentable over Slaunwhite for reasons similar to those argued above for claim 37.

Claim 45 is dependent on claim 23 and recites a computer system including similar

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features to claim 37 and is patentable over Slaunwhite for reasons similar to those argued above for claim 37.

Consequently, Slaunwhite cannot teach or suggest the subject matter recited in claims 37, 41, and 45. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of these Claims.

4. The Slaunwhite Reference Does Not Teach or Suggest Claims 46, 47, and 48

These claims are argued separately below under the 103(a) rejection.

5. The Slaunwhite Reference Does Not Teach or Suggest Claims 50, 51, and 52

Claim 50 is dependent on claim 6 and recites:

50. The method of claim 6 wherein the indication of the particular function to which the hot key is to be mapped is provided by an action of the pointing device different than an action of the pointing device providing the selection of the displayed item to perform the particular function.

Claim 50 is separately patentable over Slaunwhite. Claim 50 recites that the indication of the particular function to which the hot key is to be mapped is provided by an action of the pointing device different than an action of the pointing device providing the selection of the particular function. For example, a hovering action over an item to indicate its function for mapping, as disclosed in Applicant's specification (page 8, lines 7-12), is one example of an action that is different than the standard clicking action performed on GUI display items such as buttons, menu items, etc. to perform the functions of those items. Slaunwhite does not disclose or suggest different actions of the pointing device on the same displayed item,

one action to perform the particular function, and the other action to indicate the particular function to be mapped to the hot key. For example, the Examiner stated that Slaunwhite discloses this feature at paragraph [0036], and that one of ordinary skill in the art would readily understand that an action of a user input unit 10 would be different when selecting the zoom GUI item for zooming action than when indicating the zoom GUI item for mapping. However, paragraph [0036] mentions no specifics regarding different actions for a particular displayed item, and Slaunwhite mentions or suggests nothing about allowing an action of a pointing device for the zoom GUI item (or any other displayed item) to map functions to hotkeys, the pointing device action being different than the function-performing pointing device action for that zoom-GUI item. Slaunwhite's disclosure focusses on providing keyboard focus on a displayed non-command item (e.g., paragraph [0051]), and is not concerned with different pointing device actions for a displayed item.

Applicant therefore believes that claim 50 is additionally patentable over Slaunwhite.

Claim 51 is dependent on claim 16 and recites a computer-readable medium including similar subject matter to claim 50 and is patentable over Slaunwhite for reasons similar to those argued above for claim 50.

Claim 52 is dependent on claim 27 and recites a computer system including similar features to claim 50 and is patentable over Slaunwhite for reasons similar to those argued above for claim 50.

Consequently, Slaunwhite cannot teach or suggest the subject matter recited in claims 50-52. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of these Claims.

B.   Rejection of claims 36, 40, and 44 under 35 U.S.C. 103(a) as being unpatentable over Slaunwhite (assumed to be claims 46, 47, and 48)

<u>1. The Slaunwhite Reference Does Not Teach or Suggest Claims 46, 47, and 48</u>

The Examiner rejected claims 36, 40, and 44 under 35 U.S.C. 103(a) in the Final Office Action of May 15, 2008. However, the description section of this rejection in the Final Office Action references the subject matter of claims 46, 47, and 48. Also, claims 36, 40, and 44 were addressed by the Examiner in the second 103(a) rejection (addressed below by Appellant). Therefore, Applicant has assumed in this Appeal Brief that claims 46, 47, and 48 were intended for this 103(a) rejection.

Claim 46 is dependent on claim 37 and recites:

46. The method of claim 37 wherein the indicating of the particular function for the mapping includes:
clicking on one letter of the text of the corresponding displayed item with the pointing device, wherein a key of the hardware input device that matches the one letter of the text is assigned as a portion of the hot key.

Claim 46 is separately patentable over Slaunwhite. Claim 46 recites that indicating the function for mapping includes clicking on one letter of the text of the corresponding displayed item with the pointing device, wherein a key of the hardware input device matching the one letter of the text is assigned as a portion of the hot key. These features are not disclosed or suggested by Slaunwhite. For example, Slaunwhite maps the shortcut key of "Alt-Z" to the function of displaying the zoom drop-down box shown in Fig. 4, but mentions or suggests nothing about mapping that display function to the shortcut key by selecting one letter of text on a displayed item that, when selected, also can perform the

display function of the drop-down box.

The Examiner stated that Slaunwhite fails to specifically show the recited subject matter, but that it would have been obvious based on Slaunwhite, and that one would have been motivated to make such combination because a way to simplify the way in which a user accesses a particular non-command user interface item would have been obtained and desired as expressly taught by Slaunwhite (paragraph [0010]). However, Slaunwhite does not suggest any such combination; Slaunwhite fails to mention any selection on a displayed item that match a hot key, to map that hot key to a function. One of ordinary skill reading Slaunwhite would not have been led to the recited combination and would not have learned anything but a standard method of assigning the hot key to a function, and would have focussed instead on the types of items being assigned to hot keys, such as the non-command type of user interface items that are the focus of Slaunwhite's disclosure (paragraph [0010]).

Applicant therefore believes that claim 46 is additionally patentable over Slaunwhite.

Claim 47 is dependent on claim 41 and recites a computer-readable medium including similar subject matter to claim 46 and is patentable over Slaunwhite for reasons similar to those argued above for claim 46.

Claim 48 is dependent on claim 45 and recites a computer system including similar features to claim 46 and is patentable over Slaunwhite for reasons similar to those argued above for claim 46.

Consequently, Slaunwhite cannot disclose or suggest the subject matter recited in claims 46-48. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of these Claims.

C.   Rejection of claims 10, 21, 32, 36, 40, and 44 under 35 U.S.C. 103(a) as being unpatentable over Slaunwhite in view of Forest

1. The Slaunwhite Reference Does Not Teach or Suggest Claims 10, 21, 32, and 36

Unpatentability by obviousness under 35 U.S.C. 103(a) requires that the subject matter of the invention would have been obvious to one of ordinary skill in the pertaining art at the time the invention was made. Claim 10 recites, in pertinent part:

> 10. The method of claim 1 wherein the moving the pointing device over the displayed item to indicate the particular function includes the user hovering the pointing device over the displayed item for a predetermined amount of time, wherein the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and wherein the selection of the displayed item to perform the particular function includes clicking on the displayed item.

Claim 10 is patentable over Slaunwhite since the feature of claim 10 is not disclosed or suggested by that reference. Claim 10 recites that indicating the particular function includes the user hovering the pointing device over the displayed item (or a portion thereof) for a predetermined amount of time, and the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and the selection of the displayed item to perform the particular function includes clicking on the displayed item. For example, the selection to perform the item's function can be a standard clicking action on a displayed item to perform a function, as is well known. Applicant's recited use of the pointing device in selection of a displayed item to perform a function, that is different from the use of hovering the pointing device over the same displayed item to map its function to a received hotkey, is not disclosed or suggested by Slaunwhite.

The Examiner stated that Slaunwhite fails to specifically show the features of claim 10, but that Forest shows that it was well-known prior to the time of the invention to indicate one has reached a target by hovering, or not clicking, and selecting by clicking. However, Forest teaches selecting a displayed item (i.e. a key's image) by dwelling or hovering. Such selection is the same as or redundant to selection by clicking, i.e., hovering is taught as simply a different way to select items, having the same function and effect as clicking. For example, Forest illustrates this equivalency by having a user select a key image by using a switch (a click) or by dwelling. It is not known or obvious to use selection by clicking for standard selection to perform a function, and selection by hovering over that same displayed item for a different function, i.e., to indicate the item's function for mapping to a received hot key, where that indication does not include clicking the pointing device on the displayed item used for performing the function, as recited in claim 10. Applicant therefore believes that claim 10 is patentable over Slaunwhite.

Claim 21 is dependent on claim 12 and recites a computer-readable medium including similar subject matter to claim 10 and is patentable over Slaunwhite in view of Forest for reasons similar to those argued above for claim 10.

Claim 32 is dependent on claim 26 and recites a computer system including similar features to claim 10 and is patentable over Slaunwhite in view of Forest for reasons similar to those argued above for claim 10.

Claim 36 is dependent on claim 1 and recites a method including similar features to claim 10 and is patentable over Slaunwhite in view of Forest for reasons similar to those argued above for claim 10.

Claims 40 and 44 were cancelled in Appellant's response filed February 7, 2008.

Consequently, Slaunwhite in view of Forest cannot disclose or suggest the subject matter recited in claims 10, 21, 32 and 36. Accordingly, Appellant respectfully requests that the Board

reverse the final rejection of these Claims.

Conclusion

For all the foregoing reasons, it is respectfully submitted that claims 1-4, 6, 10, 12-16, 21, 23-27, 32, 35-37, 39, 41, 43, and 45-52 are patentable. Accordingly, Appellant respectfully asks the Board to reverse the Examiner's rejection of the claims of the present invention and find each of these claims allowable.

Note: **Appellant's APPENDIX sections are contained on separate sheets following the signatory portion of this Appeal Brief.**

Authorization for payment of the required Brief fee is contained in the cover letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. <u>500563</u>.

Respectfully submitted,

SAWYER LAW GROUP LLP

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VIII. CLAIMS APPENDIX

1. A method for providing a hot key corresponding to a particular function in a computer system, the computer system having a graphical user interface (GUI) and including a pointing device enabling a user to select items displayed in the GUI, the particular function provided for a context of an application program, the user providing input within the context, the method comprising the steps of:

integrating a hot key configuring function into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context, wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device; and

mapping the hot key to the particular function and storing the mapping, the mapping and storing performed without the user leaving the context and in response to the user utilizing the hot key configuring function in the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected, and wherein the mapping includes:

receiving an indication of the particular function to which the hot key is to be mapped, the indication provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, wherein the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping; and

receiving a key combination as the hot key in response to the user selecting the key

combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received.

2. The method of claim 1 further comprising the step of:

accounting for ambiguities in the receiving of the key combination such that the mapping of the particular function to the hot key is not confused with accessing a function previously mapped to the hot key.

3. The method of claim 1 wherein the pointing device includes a mouse, and wherein hot key configuring function integrating step further includes the steps of:

determining the plurality of items selectable in the context; and

providing a mechanism that maps at least one of the plurality of items to the hot key from the context without the user leaving the context.

4. The method of claim 3 wherein the hot key configuring function integrating step further includes the step of:

providing a mechanism that accounts for ambiguities between the hot key and a pre-existing hot key.

5. (Cancelled).

6. The method of claim 1 wherein the indication of the particular function using the pointing device over the displayed item does not cause the particular function to be performed.

7. (Cancelled).

8. (Cancelled)

9. (Cancelled).

10. The method of claim 1 wherein the moving the pointing device over the displayed item to indicate the particular function includes the user hovering the pointing device over the displayed item for a predetermined amount of time, wherein the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and wherein the selection of the displayed item to perform the particular function includes clicking on the displayed item.

11. (Cancelled).

12. A computer-readable storage medium storing program instructions for providing a hot key corresponding to a particular function in a computer system, the computer system having a graphical user interface (GUI) and including a pointing device enabling a user to select items displayed in the GUI, the particular function provided for a context of an application program, the user providing input within the context, the program instructions for:

integrating a hot key configuring function into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context, wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device; and

mapping the hot key to the particular function and storing the mapping, the mapping and

storing performed without the user leaving the context and in response to the user utilizing the hot key configuring function in the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected, and wherein the mapping includes:

receiving an indication of the particular function to which the hot key is to be mapped, the indication provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, wherein the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping; and

receiving a key combination as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received.

13. The computer-readable medium of claim 12 wherein the program further includes instructions for:

accounting for ambiguities in the receiving of the key combination such that the mapping of the particular function to the hot key is not confused with accessing a function previously mapped to the hot key

14. The computer-readable medium of claim 12 wherein the pointing device includes a mouse, and wherein hot key configuring function integrating instructions further includes instructions for:

determining the plurality of items selectable in the context; and

providing a mechanism that maps at least one of the plurality of items to the hot key from

the context without the user leaving the context.

15.   The computer-readable medium of claim 14 wherein the hot key configuring function integrating instructions further includes instructions for:

providing a mechanism that accounts for ambiguities between the hot key and a pre-existing hot key.

16.   The computer-readable medium of claim 12 wherein the indication of the particular function using the pointing device over the displayed item does not cause the particular function to be performed.

17. (Cancelled).

18. (Cancelled).

19. (Cancelled).

20. (Cancelled).

21.   The computer-readable medium of claim 12 wherein the moving the pointing device over the displayed item to indicate the particular function includes the user hovering the pointing device over the displayed item for at least a predetermined amount of time, and wherein the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and wherein the selection of the displayed item to perform the particular function includes clicking on the displayed item.

22. (Cancelled).

23. A computer system comprising:

a hardware mechanism that provides an application, the application providing a context and having a particular function available therein, the particular function provided for a context of an application program, a user providing input within the context;

a graphical user interface (GUI);

a pointing device enabling a user to select items displayed in the GUI, wherein the context includes a displayed item displayed in the GUI corresponding to the particular function, and wherein the particular function is performed in response to the displayed item being selected by the pointing device; and

a hot key configuring function integrated into the GUI such that a user can access the hot key configuring function from within the context and without leaving the context, the integrated hot key configuring function utilized by the user to designate a mapping of the hot key to the particular function and store the mapping without the user leaving the context, wherein the mapping causes the particular function to be accessed by the computer system when the mapped hot key is selected, and wherein the mapping is created by receiving an indication of the particular function to which the hot key is to be mapped and receiving a key combination as the hot key in response to the user selecting the key combination using a hardware input device, the key combination being received after the indication of the particular function to which the hot key is to be mapped has been received, wherein the indication is provided by the user moving the pointing device over the displayed item to indicate the particular function corresponding to the displayed item for the mapping, wherein the same displayed item is selectable by the pointing device to perform the particular function and is indicatable by the pointing device to indicate the particular function for the mapping.

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24. The computer system of claim 23 wherein the integrated hot key configuring function further accounts for ambiguities in the receiving of the key combination such that the mapping of the particular function to the hot key is not confused with accessing a function previously mapped to the hot key.

25. The computer system of claim 23 wherein the pointing device includes a mouse, and wherein the hot key configuring function further determines the plurality of items selectable in the context and provides a mechanism that maps at least one of the plurality of buttons to the hot key from the context.

26. The computer system of claim 25 wherein the hot key configuring function further includes a mechanism that accounts for ambiguities between the hot key and a pre-existing hot key.

27. The computer system of claim 23 wherein the indication of the particular function using the pointing device over the displayed item does not cause the particular function to be performed.

28. (Cancelled).

29. (Cancelled).

30. (Cancelled).

31. (Cancelled).

32. The computer system of claim 26 wherein the moving the pointing device over the displayed item to indicate the particular function includes the user hovering the pointing device over the displayed item for at least a predetermined amount of time, wherein the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and wherein the selection of the displayed item to perform the particular function includes clicking on the displayed item.

33. (Cancelled).

34. (Cancelled).

35. The method of claim 1 wherein mapping the hot key to the particular function without the user leaving the context includes receiving the indication of the particular function made by the user without the user providing input to a menu separate from the context.

36. The method of claim 1 wherein the indicating of the particular function includes the user hovering a pointing device over a portion of the corresponding item in the GUI for a predetermined amount of time, and wherein the indication of the particular function for mapping does not include clicking the pointing device on the displayed item, and wherein the selection of the displayed item to perform the particular function includes clicking on the displayed item.

37. The method of claim 1 wherein the displayed item is a text-based item including displayed text, and wherein the indication of the particular function includes selecting a portion of the text of the corresponding item, the portion of the text being less than the entire displayed text of the displayed item.

38. (Cancelled).

39. The computer-readable storage medium of claim 12 wherein mapping the hot key to the particular function without the user leaving the context includes receiving the indication of the particular function made by the user without the user providing input to a menu separate from the context.

40. (Cancelled).

41. The computer-readable storage medium of claim 12 wherein the displayed item is a text-based item including displayed text, and wherein the indication of the particular function includes selecting a portion of the text of the corresponding item, the portion of the text being less than the entire displayed text of the displayed item.

42. (Cancelled).

43. The computer system of claim 23 wherein the indication of the particular function is made by the user without the user providing input to a menu separate from the context.

44. (Cancelled).

45. The computer system of claim 23 wherein the displayed item is a text-based item including displayed text, and wherein the indicating of the particular function includes selecting

a portion of the text of the corresponding item, the portion of the text being less than the entire displayed text of the displayed item.

46. The method of claim 37 wherein the indicating of the particular function for the mapping includes:

clicking on one letter of the text of the corresponding displayed item with the pointing device, wherein a key of the hardware input device that matches the one letter of the text is assigned as a portion of the hot key.

47. The computer-readable medium of claim 41 wherein the indicating of the particular function for the mapping includes:

clicking on one letter of the text of the corresponding displayed item with the pointing device, wherein a key of the hardware input device that matches the one letter of the text is assigned as a portion of the hot key.

48. The computer system of claim 45 wherein the indicating of the particular function for the mapping includes:

clicking on one letter of the text of the corresponding displayed item with the pointing device, wherein a key of the hardware input device that matches the one letter of the text is assigned as a portion of the hot key.

49. The method of claim 35 wherein the context is a particular context, and wherein the application program has a plurality of different contexts which can each independently receive user input.

50. The method of claim 6 wherein the indication of the particular function to which the hot key is to be mapped is provided by an action of the pointing device different than an action of the pointing device providing the selection of the displayed item to perform the particular function.

51. The computer-readable storage medium of claim 16 wherein the indication of the particular function to which the hot key is to be mapped is provided by an action of the pointing device different than an action of the pointing device providing the selection of the displayed item to perform the particular function.

52. The computer system of claim 27 wherein the indication of the particular function to which the hot key is to be mapped is provided by an action of the pointing device different than an action of the pointing device providing the selection of the displayed item to perform the particular function.

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IX   EVIDENCE APPENDIX

(None)

X   **RELATED PROCEEDINGS APPENDIX**

(None)